

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

DEBBIE MCCOY

Plaintiff,

vs.

Case No. 6:18-CV-03256-BP

WAL-MART STORES EAST, LP, et al.

Defendants.

JOINT MOTION FOR STAY

COME NOW, Plaintiff Debbie McCoy (“Plaintiff”) and Defendants Walmart Inc., Walmart Stores East, L.P., and Walmart Stores Arkansas, LLC (collectively “Walmart”) through counsel and respectfully request a stay of the above-referenced action while the parties participate in mediation. In support of their joint motion, the parties state:

1. The parties seek to explore a potential global resolution of this action and the related putative nationwide class action captioned *Foster v. Walmart Inc.*, No. 19-cv-571-BSM (E.D. Ark.)
2. The parties intend to seek a corresponding stay of *Foster* before Judge Brian S. Miller. In *Foster*, the 8th Circuit vacated the district court’s denial of Walmart’s motion to compel individual arbitration as to the 29 named plaintiffs and ordered Federal Arbitration Act trials as to each named plaintiff on arbitration contract formation. The parties are presently engaged in discovery in connection with the relevant arbitration issues.
3. Over the past several months, the parties in *McCoy* have been diligently engaged in party and third party discovery. This discovery has included: (1) a 30(b)(6) deposition; (2) Plaintiff’s deposition; (3) two material witnesses’ depositions; (4) written discovery objections

and responses; (5) tens of thousands of documents reviewed by Defendants in preparation for production to Plaintiff's; (6) ESI discussions; and (7) third party subpoenas and motions. The parties are confident that they are at the optimal stages of this action and the *Foster* action to constructively engage in the mediation process.

4. The parties in this case and in *Foster* propose to mediate the actions together before experienced mediator, Ron Mitchell, of Ron Mitchell Mediation in Joplin. Mr. Mitchell was the mediator designated for this action early on in the proceeding, and the parties are confident that his background and experience make him well-suited to facilitate their discussions.

5. The parties would mediate the actions together in Springfield on June 8, 2022. The parties are prepared to mediate the case on successive dates should that prove necessary.

6. The parties would devote their time and resources to preparing materials needed to ensure a productive session. In preparation for mediation, the parties in this action and the *Foster* action have agreed to continue to exchange information that will assist the parties in the meditation process, well in advance of the mediation.

7. Absent a stay, the parties would be required to schedule and conduct several additional depositions, resolve objections lodged, produce and review tens of thousands of documents, and engage in extensive third party discovery, in addition to retaining, disclosing, and deposing expert witnesses.

8. Plaintiff and Walmart respectfully request this Court stay the action pending mediation on June 8, 2022. The parties propose that they provide a status update to this Court within seven days of mediation.

WHEREFORE, the parties jointly pray the court enter its order staying the case and for such other relief as the Court deems just and proper.

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